

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

FRANCIS X. MOORE,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 04-10922-DPW
)	
INTERNAL REVENUE SERVICE (UNITED)	
STATES GOVERNMENT),)	
)	
Defendant.)	

UNITED STATES' STATUS REPORT

This refund action was initiated by Mr. Moore with respect to a small portion of the liabilities assessed against him as a responsible person for the American Legion Post #368 pursuant to 26 U.S.C. § 6672 which he paid. The United States initiated a counterclaim to reduce the unpaid § 6672 assessments in the amount of approximately \$19,000.00 to judgment for the periods ending December 31, 1995. Presently, the American Legion Post #368 is in settlement discussions with the Internal Revenue Service in an attempt to resolve the underlying employment tax liability. Any such administrative settlement with the Post may have an impact on any potential liability of Mr. Moore. The parties moved for a stay to await the conclusion of those discussions. That stay was granted by this Court on April 8, 2005, with an order requiring the filing of a status report every 45 days.

The United States filed a status report with this Court on or about May 20, 2005, indicating that the settlement discussions between the Internal Revenue Service and

the American Legion Post continued to move forward. Another status report is due on or about July 5, 2005. However, on June 23, 2005, counsel for the United States was informed that the settlement offer proffered by the American Legion Post has been rejected by the Internal Revenue Service. As a result, there is no continuing need for a stay of this matter, and the United States requests that a status conference be set to determine an appropriate course of action. Counsel for the United States respectfully requests, however, that this status conference not be set until a date after July 22, 2005, as she is scheduled to be out of the office until July 11, 2005 and has a four day trial set to begin on July 18, 2005.

RESPECTFULLY SUBMITTED,

I hereby certify that a true copy of the above document was served upon (each party appearing pro se and) the attorney of record for each other party by mail on

6/23/05 - Lydia Bottome Turanchik

/s/ Lydia Bottome Turanchik
LYDIA BOTTOME TURANCHIK
Trial Attorney, Tax Division
U.S. Department of Justice
Post Office Box 55
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 307-6560
Lydia.D.Bottome@usdoj.gov